

1 HB220
2 155197-4
3 By Representative Williams (D)
4 RFD: Education Policy
5 First Read: 14-JAN-14

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ENROLLED, An Act,

To amend Section 16-5-5 and Section 16-64-4, as amended by Act 2013-331, 2013 Regular Session, and Section 16-64-5, Code of Alabama 1975, relating to Athens State University; to include the President of Athens State University as a member of the Council of Presidents; to provide for the appointment of members to the council by the Chancellor of Postsecondary Education in lieu of the State Superintendent of Education; to authorize the university to set tuition and distance learning rates; and to authorize the Code Commissioner to make the appropriate changes in terminology in the code to reflect the reconstituted status of Athens State University.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-5-5, 16-64-4, as amended by Act 2013-331, 2013 Regular Session, and 16-64-5 of the Code of Alabama 1975, are amended to read as follows:

"§16-5-5.

"The commission, in consultation with the agencies and institutions concerned with higher education in this state, shall analyze and evaluate on a continuing basis the present and future needs for instruction, research and public service in postsecondary education in the state, including facilities, and assess the present and future capabilities.

1 The use of advisory groups and consultants, as deemed
2 desirable, may be used to meet these needs in order to provide
3 the highest possible quality of collegiate and university
4 education to all persons in the state able and willing to
5 participate. One such advisory committee shall be the Council
6 of Presidents, consisting of the president of each public
7 four-year institution of higher education and Athens State
8 University, the ~~State Superintendent~~ Chancellor of
9 Postsecondary Education, and the presidents of three public
10 two-year institutions of higher education, to be selected by
11 the ~~Superintendent of Education~~ chancellor.

12 "§16-64-4.

13 "(a) Each Alabama public institution of higher
14 education shall charge each undergraduate student who is
15 registered as a nonresident a minimum tuition of two times the
16 resident tuition rate charged by that institution. This rate
17 shall be effective for students who register at an institution
18 beginning August 1, 1997. A nonresident graduate student at an
19 institution shall be charged a rate of tuition that is at
20 least at the level of tuition charged to a nonresident
21 undergraduate.

22 "(b) The governing boards of each four-year public
23 institution of higher education and Athens State University
24 shall retain the power to extend resident tuition rates to
25 students who reside in any county within 50 miles of a campus

1 of the institution; provided, however, that campus must be in
2 existence and operating as of January 1, 1996. For public
3 two-year institutions, not including Athens State University,
4 the State Board of Education, upon the recommendation of the
5 Chancellor of the Department of Postsecondary Education, shall
6 retain the power to extend resident tuition rates to students
7 who reside in any county within 50 miles of a campus of the
8 institution; provided, however, that campus must be in
9 existence and operating as of January 1, 1996.

10 "(c) Any provision of law to the contrary
11 notwithstanding, the governing boards of each four-year public
12 institution of higher education and Athens State University
13 shall retain the power to set tuition rates for programs that
14 are delivered in a distance format to students who are not
15 present within the boundaries of the state at the time the
16 distance program is delivered. For public two-year
17 institutions of higher education, except Athens State
18 University, the State Board of Education, upon the
19 recommendation of the Chancellor of the Department of
20 Postsecondary Education, shall retain the power to set tuition
21 rates for programs that are delivered in a distance format for
22 students who are not present within the boundaries of the
23 state at the time the distance program is delivered.

24 "§16-64-5.

1 "A four-year public institution of higher education
2 and Athens State University, at the discretion of its
3 governing board, and a two-year public institution of higher
4 education, except Athens State University, at the discretion
5 of the Chancellor of the Department of Postsecondary
6 Education, may elect to adopt policies regarding nonresident
7 tuition which are more rigorous than those specified in this
8 chapter."

9 Section 2. In addition to the duties of the Code
10 Commissioner provided in Section 16-47A-13, whenever any
11 section of the Code of Alabama 1975, refers to a "four-year
12 public institution of higher education," the Code Commissioner
13 is directed to make the appropriate changes in terminology to
14 reflect the reconstituted status of Athens State University as
15 a public institution of higher education under a separate
16 board of trustees as provided by Chapter 47A of Title 16.

17 Section 3. This act shall become effective
18 immediately following its passage and approval by the
19 Governor, or its otherwise becoming law.

